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**FEB 20 2002**

**OFFICE OF PETITIONS**

In re Application of :  
Ginsberg, Lutnick, Gilbert, and : DECISION ACCORDING STATUS  
Findlay : UNDER 37 CFR 1.47(a)  
Application No. 09/846,025 :  
Filed: 30 April, 2001 :  
Attorney Docket No. CF-20 :

This is in response to the petition under 37 CFR 1.47(a), filed on 28 January, 2002.

The petition is granted.

Petitioner has shown that the legal representative of the deceased non-signing inventor has refused to join in the filing of the above-identified application after having been presented with the application papers. Specifically, the statement of petitioners' registered patent attorney, Joel Weiss, establishes that the legal representative was mailed a copy of the application papers but has failed to execute the declaration.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing legal representative at the address given in the Declaration. Notice of the filing of this application will also be published in the Official Gazette.

The declaration submitted with the present petition is defective in that it contains non-initialed and/or non-dated changes.<sup>1</sup> A new oath or declaration in compliance with 37 CFR 1.63 and 1.67 must be submitted when required.

After this decision is mailed, the application will be forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries related to this decision should be directed to the undersigned at 703-308-6918.



Douglas I. Wood  
Petitions Attorney  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy

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<sup>1</sup> MPEP 602.01. See 37 CFR 1.52(c).